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PATENT

ATTORNEY DOCKET NO.: 044170-5052-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: )  
Ronald W. MINK et al. )  
Application No.: 09/973,956 ) Group Art Unit: 1723  
Filed: October 11, 2001 ) Examiner: Unassigned

For: DEVICE FOR COLLECTION AND ASSAY OF ORAL FLUIDS

Commissioner of Patents  
**BOX MISSING PARTS**  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed November 27, 2001.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

- Enclosed is a copy of the original Combined Declaration and Power of Attorney filed in the parent application on August 16, 1999.
- The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

- Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the ~~copy~~ <sup>original</sup> for examination purposes in the PTO.

~~05/16/2002 DOCUMENT 00000047 500310 09973956~~  
~~05/16/2002 DOCUMENT 00000047 500310 09973956~~  
~~03 FC:117 920.00 CH~~ Also enclosed is the Verification of Translation Document.

4. Small Entity Status

- Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

~~05/16/2002 DOCUMENT 00000047 500310 09973956~~

~~03 FC:117 920.00 CH~~  
I-WA/1790783.1

05/16/2002 SSAL001U 00000012 500310  
03 FC:216 460.00 CH

## 5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input checked="" type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00
<input type="checkbox"/> five months	\$1,960.00	\$980.00

Extension of time fee due with this request: \$920.00

If an additional extension of time is required, please consider this a Petition therefor.

- Applicants believe that no extension of time is required. However, in the event applicant has inadvertently overlooked the need for a petition and fee for extension of time, applicants hereby petition for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

## 6. Assignment

- An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

## 7. Fee Calculation

				Fee Code
			Basic Fee	\$740.00 101/201
Total Claims	Number Filed - 20 =	Number Extra	at a Rate of (Lg./Sm.Entity) \$18/\$9 each=	\$ 103/203
Independent Claims	- 3 =		\$84/\$42 each=	\$ 101/202
Multiple dependent claim(s), if any			\$280/\$140	\$ 104/204
			<b>SUB-TOTAL =</b>	\$
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))			\$130/\$65	\$130.00 105/205
			\$110/\$55 (1 Month)	115/215
			\$400/\$200 (2 Months)	116/216
			\$920/\$460 (3 Months)	117/217
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))			\$1440/\$720 (4 Months)	118/218
			\$1960/\$980 (5 Months)	\$920.00 128/228
			<b>SUB-TOTAL =</b>	\$1790.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))			\$130.00	\$ 139
Assignment Recordation Fee			\$ 40.00	\$ 581
			<b>TOTAL FILING FEE =</b>	<b>\$1790.00</b>

## 8. Fee Payment

- Please charge Deposit Account No. 50-0310 in the amount of \$1790.00 representing the total fee due.
- The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.
- Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

## 9. Additional papers enclosed.

- Preliminary Amendment
- Submission of Formal Drawings with \_\_\_\_\_ sheets of drawings
- Claim for Priority
- Certified copy of priority document:
- Information Disclosure Statement
- Form PTO-1449, \_\_\_ references as listed
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Other: \_\_\_\_\_

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



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James L. Reed  
Reg. No. 43,877

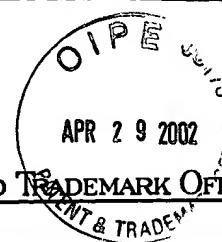
Date: April 29, 2002

**CUSTOMER NO. 09629**

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/973,956	10/11/2001	Ronald W. Mink	044170-5052-US

009629  
MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON, DC 20036-5869

CONFIRMATION NO. 7403  
FORMALITIES LETTER



\*OC00000007123759\*

Date Mailed: 11/27/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 435.**

Adjustment date: 05/16/2002 SSALEEKU  
05/01/2002 BNGUYEN1 00000047 500310 09973956  
01 FC:101 740.00 CH  
02 FC:105 130.00 CH

*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/01/2002 BNGUYEN1 00000047 500310 09973956

01 FC:101 740.00 CH  
02 FC:105 130.00 CH

05/16/2002 SSALEEKU 00000012 500310 09973956

01 FC:201 370.00 CH  
02 FC:205 65.00 CH